

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon Fitch, Brandon
Vera, Luis Javier Vazquez, and Kyle
Kingsbury on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

Defendant.

Case No.: 2:15-cv-01045-RFB-(PAL)

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION TO COMPEL
DEFENDANT TO PRODUCE A LOG OF
COMMUNICATIONS FOR DANA
WHITE'S DISCOVERABLE
TELEPHONE NUMBERS AND
ELECTRONIC COMMUNICATION
DEVICES AND DIRECTING
DEFENDANT TO SUBMIT AN
INVENTORY OF ELECTRONIC
COMMUNICATION DEVICES**

[PROPOSED] ORDER

Pending before this Court is Plaintiffs' Motion to Compel Defendant to Produce a Log of Communications for Dana White's Discoverable Telephone Numbers and Electronic Communication Devices and Directing Defendant to Submit an Inventory of Electronic Communication Devices.

WHEREAS, Plaintiffs have substantiated numerous issues regarding Defendant's identification, collection, preservation and production of ESI from the electronic communication devices of Defendant's custodians;

WHEREAS, the parties have not yet completed depositions to which ESI from the Defendant's custodians' electronic communication devices may be relevant;

WHEREAS, to promote certainty and to advance the orderly and efficient resolution of fact discovery and issues regarding Defendant's identification, collection, preservation and production of ESI from its custodians' electronic communication devices;

1 IT IS HEREBY ORDERED THAT Plaintiffs' Motion to Compel Defendant to Produce a
 2 Log of Communications for Dana White's Discoverable Telephone Numbers and Electronic
 3 Communication Devices and Directing Defendant to Submit an Inventory of Electronic
 4 Communication Devices is GRANTED.

5 Within five (5) days, Defendant shall:

6 (a) Produce a log, for each mobile telephone and electronic device utilized by Zuffa
 7 President Dana White during the Relevant Time Period that may contain relevant ESI,
 8 that identifies the time, date and, if applicable, duration, of each communication made
 9 on each such device, including the telephone number, email address, social media
 10 handle or similar identifying information and, if applicable, communications carrier,
 11 that each such communication was sent to and from;

12 (b) Submit to the Court and Plaintiffs a written report regarding Defendant's
 13 identification, collection, preservation and production of ESI from the electronic
 14 communication devices of Defendant's Ordered and Agreed Custodians that:

15 (1) Includes an inventory of each Custodian's personal and business electronic
 16 devices (including mobile telephone numbers), on or from which potentially
 17 relevant information or communication was made, sent, received, viewed or
 18 stored during the Relevant Time Period;

19 (2) For each device responsive to (b)(1) of this Order, states:

- 20 a. The model number, telephone number, email address, social media
 21 handle or similar identifying information, if applicable, on or from
 22 which any information or communication was made, sent, received,
 23 viewed or stored during the Relevant Time Period;
- 24 b. Whether the device was subject to a litigation hold, the date the
 25 litigation hold was implemented and a copy of the litigation hold and
 26 the date, if applicable, that the litigation hold was terminated;
- 27 c. Whether the device and ESI thereon was inspected by counsel for
 28 Defendant;

- 1 d. Without disclosing attorney work product or attorney-client
2 communications, the method used to determine whether the device
3 contained discoverable ESI, i.e., inspection by counsel, a representation
4 by the custodians or otherwise;
5 e. Whether ESI was collected from the device, the date of each collection,
6 the date range for the ESI collected from the device and whether the
7 collected ESI was produced to Plaintiffs; and
8 f. For any device from which ESI was not collected and produced to
9 Plaintiffs, the reason(s) why.

10 IT IS SO ORDERED.

11
12 DATED: _____

By: _____

Hon. Peggy A. Leen

UNITED STATES MAGISTRATE JUDGE